

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM OCTOBER 18, 2023
OPEN SESSION

MINUTES OF OCTOBER 18, 2023 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN METAIRIE, LOUISIANA. PRESENT WERE CHAIRMAN FOSTER CAMPBELL, VICE CHAIRMAN MIKE FRANCIS, COMMISSIONER ERIC SKRMETTA, COMMISSIONER DAVANTE LEWIS, AND EXECUTIVE SECRETARY BRANDON FREY. COMMISSIONER CRAIG GREENE WAS ASBSENT.

Open Session of October 18, 2023, convening at 10:09 a.m., and adjourning at 1:09 p.m., Copeland Towers, 2601 Severn Avenue, Metairie, Louisiana, with the above-name members of the Commission and Executive Secretary Brandon Frey present. Commissioner Craig Greene was absent.

<p>Ex. 1</p>	<p>Vice Chairman Francis thanked the public for their love and support after the recent election.</p> <p>Executive Counsel Kathryn Bowman announced the Public Utilities CLE will be held Friday, December 1, 2023 at City Club in Baton Rouge with registration details forthcoming. She also announced that the November B&E has been moved to Monday, November 20, 2023 in Baton Rouge.</p> <p>Commissioner Lewis welcomed a new member to District 3, Francis Arthur. He also congratulated Annie Matthews on passing the Louisiana Bar exam.</p> <p>Commissioner Skrmetta thanked the Copeland Towers for hosting the B&E meeting.</p> <p>Chairman Campbell congratulated Charles Cravins, the father of District 2 Executive Assistant Charlotte Cravins, on being elected Judge in St. Landry Parish.</p>
<p>Ex. 2</p>	<p>T-36689 - Louisiana Public Service Commission vs. Pelican Movers LLC. In re: Alleged violation of La. R.S. 45:161 through 180.1, by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164 (E) and General Order dated March 16, 2021 occurring on or between September 02, 2022 through October 02, 2022.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Vice Chairman Francis, seconded by Chairman Campbell, with Commissioner Skrmetta and Commissioner Lewis concurring, and Commissioner Greene absent, the Commission voted to assert its original and primary jurisdiction and take matter up pursuant to Rule 57.</p> <p>On motion of Vice Chairman Francis, seconded by Chairman Campbell, with Commissioner Skrmetta and Commissioner Lewis concurring, and Commissioner Greene absent, the Commission voted to accept the Affidavit and Stipulation executed on August 3, 2023 for fines and fees totaling \$525.</p>
<p>Ex. 3</p>	<p>T-36704 - Louisiana Public Service Commission vs. Tidal Tank, Inc. In re: Alleged violation of La. R.S. 45:161 through 180.1, by operating Intrastate without LPSC authority to transport non-hazardous oilfield waste on eight (8) counts; allegedly occurring on or between February 01, 2022 through February 21, 2022.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Affidavit and Stipulation executed by the Carrier.</p>

	<p>On motion of Chairman Campbell, seconded by Vice Chairman Francis, with Commissioner Skrmetta and Commissioner Lewis concurring, and Commissioner Greene absent, the Commission voted to assert its original and primary jurisdiction and take matter up pursuant to Rule 57.</p> <p>On motion of Vice Chairman Francis, seconded by Chairman Campbell, with Commissioner Skrmetta and Commissioner Lewis concurring, and Commissioner Greene absent, the Commission voted to Accept the Affidavit and Stipulation executed on August 21, 2023 for fines and fees totaling \$8,025.</p>
Ex. 4	<p>T-36708 - Louisiana Public Service Commission vs. Majestic Vibes on the Bayou LLC. In re: Alleged violation of General Order dated April 25, 2012, by engaging in activities related to transporting passengers prior to the issuance of a Common Carrier Certificate as a common carrier by motor carrier subject to the Commission’s jurisdiction as provided by La. R.S. 45:161 through 180.1.</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on Affidavit and Stipulation executed by the Carrier.</p> <p>On motion of Vice Chairman Francis, seconded by Chairman Campbell, with Commissioner Skrmetta and Commissioner Lewis concurring, and Commissioner Greene absent, the Commission voted to assert its original and primary jurisdiction and take matter up pursuant to Rule 57.</p> <p>On motion of Vice Chairman Francis, seconded by Chairman Campbell, with Commissioner Skrmetta and Commissioner Lewis concurring, and Commissioner Greene absent, the Commission voted to accept the Affidavit and Stipulation executed on September 7, 2023 for fines and fees totaling \$525.</p>
Ex. 5	<p>S-36943 - CenterPoint Energy Resources Corp., ex parte. In re: Request for Approval of Second Amended and Restated Asset Management Agreement with BP Energy Company.</p> <p>In re: Discussion and possible vote on Staff Report.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Francis, with Chairman Campbell and Commissioner Lewis concurring, and Commissioner Greene absent, the Commission voted to accept the Staff Report filed into the record on October 4, 2023.</p>
Ex. 6	<p>U-35441 - Southwestern Electric Power Company, ex parte. Application for Approval of a Change in Rates, Extension of Formula Rate Plan and Other Related Relief.</p> <p>In re: Discussion and possible vote on budget increase for J. Kennedy & Associates due to scope expansion.</p> <p>On motion of Chairman Campbell, seconded by Commissioner Skrmetta, with Vice Chairman Francis and Commissioner Lewis concurring, and Commissioner Greene absent, the Commission voted to approve the budget increase of J. Kennedy & Associates of \$88,400 in fees and \$1,300 in expenses for a total budget not to exceed of \$89,700 due to scope expansion.</p>

<p>Ex. 7</p>	<p>U-36514 - Concordia Electric Cooperative, Inc., and NextEra Energy Marketing, LLC, and Mondu Solar, LLC. In re: Joint application for approval of long-term power supply agreements.</p> <p>In re: Discussion and possible vote on ALJ Recommendation.</p> <p>After discussion, on motion of Vice Chairman Francis, seconded by Commissioner Lewis, with Chairman Campbell concurring, Commissioner Skrmetta opposing and Commissioner Greene absent, the Commission voted to accept the Final Recommendation of the Administrative Law Judge and Draft Order issued on October 6, 2023. The motion passed 3:1.</p> <p>Present for Questions/Comments: Russell Purvis, Counsel for Concordia Electric Cooperative Dewayne Bailey, General Manager for Concordia Electric Cooperative Glenn Edwards, Counsel for Concordia Electric Cooperative Brian Murphy, Counsel for NextEra Energy Marketing Larry Hand, Vice President for Regulatory & Public Affairs for Entergy Louisiana Jennifer Vosburg, Counsel for Pointe Coupee Electric Cooperative Lane Sisung, Consultant for Louisiana Public Service Commission</p>
<p>Ex. 8</p>	<p>U-36515 - Pointe Coupee Electric Membership Corporation, and NextEra Energy Marketing, LLC, and Mondu Solar, LLC. In re: Joint application for approval of long-term power supply agreements.</p> <p>In re: Discussion and possible vote on ALJ Recommendation.</p> <p>After discussion, on motion of Commissioner Lewis, seconded by Vice Chairman Francis, with Chairman Campbell concurring, Commissioner Skrmetta opposing, and Commissioner Greene absent, the Commission voted to accept the Final Recommendation of the Administrative Law Judge and Draft Order issued on October 6, 2023. The motion passed 3:1.</p> <p>Present for Questions/Comments: Brian Murphy, Counsel for NextEra Energy Marketing Jennifer Vosburg, Counsel for Pointe Coupee Electric Cooperative Larry Hand, Vice President for Regulatory & Public Affairs for Entergy Louisiana</p>
<p>Ex. 9</p>	<p>U-36516 - Southwest Louisiana Electric Membership Corporation, NextEra Energy Marketing, LLC, and Beauregard Solar, LLC. In re: Joint application for approval of long-term power supply agreements.</p> <p>In re: Discussion and possible vote on ALJ Recommendation.</p> <p>After discussion, on motion of Vice Chairman Francis, seconded by Chairman Campbell, with Commissioner Lewis concurring, Commissioner Skrmetta opposing, and Commissioner Greene absent, the Commission voted to accept the Final Recommendation of the Administrative Law Judge and Draft Order issued on October 6, 2023. The motion passed 3:1.</p> <p>Present for Questions/Comments: Brian Murphy, Counsel for NextEra Energy Marketing Glenn Edwards, Counsel for Concordia Electric Cooperative Katherine Domingue, Interim Chief Executive Officer & General Manager Larry Hand, Vice President for Regulatory & Public Affairs for Entergy Louisiana</p>

<p>Ex. 10</p>	<p>U-36790 - Magnolia Water Utility Operating Company, LLC, ex parte. In re: 2022 Formula Rate Plan Annual Report, request for adjustment of water and sewage rates, including modification of commercial wastewater rate design, adjustment of the system acquisition regulatory asset, and implementation of service charges.</p> <p>In re: Discussion and possible vote on Joint Report and Draft Order.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Francis, with Chairman Campbell and Commissioner Lewis concurring, and Commissioner Greene absent, the Commission voted to accept the Joint Report and issue the Draft Order, filed into the record on October 5, 2023.</p>
<p>Ex. 11</p>	<p>1) Reports</p> <p>- Report regarding recent SWEPCO weather related outages.</p> <p>Bobby Gilliam, counsel for SWEPCO, and Tom Brice, Vice President of Regulatory and Finance for SWEPCO, gave a report and took questions from Commissioners regarding recent SWEPCO weather related outages. Executive Secretary Frey also provided information to the Commissioners.</p> <p>2) Resolutions</p> <p>3) Discussions</p> <p>- Discussion of available federal funding for energy efficiency and how such funding could work with the Commission's rules.</p> <p>Christopher Justin, Plan Your Energy, and Sidney Lee, A/C Ambulance, gave a presentation and took questions from Commissioners.</p> <p>- Update on the Project Cypress Direct Air Capture (DAC) Hub located in Southwest Louisiana.</p> <p>DEFERRED</p> <p>4) ERSC/OMS/SPP</p> <p>5) Directives</p> <p>- Directive to Staff regarding Docket No. U-36959, Entergy Louisiana's pending rate case. At the request of Commissioner Lewis.</p> <p>The directive reads: Regarding Entergy Louisiana's rate case currently pending before the Commission, I have the following rules for Staff:</p> <ol style="list-style-type: none"> 1) I understand that Entergy Louisiana has a number of automatic pass-through riders, under which it collects about half its revenues. In its review of Entergy Louisiana's rate request, Staff should determine whether these automatic riders provide benefits to consumers, whether these mechanisms reduce Entergy's risk so as to reduce the rate of return requirement, particularly in light of the securitization of storm damage costs and reserves, whether these mechanisms are otherwise necessary, and make recommendations to the Commission. 2) The Staff should examine whether Entergy Louisiana has excluded liability Accumulated Deferred Income Tax items from rate base and determine whether the exclusion is reasonable based upon regulatory orders or settlements, and make recommendations to the Commission. 3) In recommending a fair rate of return on equity, the Staff should consider the extent to which Entergy Louisiana, its parent, and affiliates have complied with this

Commissioner's Orders and FERC regulatory orders (as applicable to Louisiana rates), and make a recommendation accordingly.

After discussion, Chairman Campbell and Commissioner Lewis voted in support of the directive with Commissioner Skrmetta and Vice Chairman Francis opposing the directive and Commissioner Greene absent. The directive failed with a vote of 2:2.

- Directive to electric utilities on federal funding opportunities.

Previously, I have encouraged our jurisdictional electric utilities to review the opportunities for federal grant funding opportunities that are available through the Inflation Reduction Act and the Infrastructure Investment and Jobs Act. Currently we are aware that three of our co-operatives, DEMCO, JDEC, and SLECA, have a pending application seeking funding from the Grid Resilience and Innovation Program, or "GRIP", and that Entergy Louisiana has a pending application to receive competitive funds through the Hubs for Energy Resilience portion of GRIP funding. While these grants are in the review process, and decisions on both may come at any time, there are additional funding opportunities that have been made available, including, but not limited to:

1. HOMES/HEET Rebate Programs
2. EPA Greenhouse Gas Reduction Fund / Louisiana Clean Energy Fund
3. EPA Low Emissions Electricity Program
4. DOA Powering Affordable Clean Energy Program
5. DOA Empowering Rural America Program
6. DOE Renewable Energy Production Tax Credit and Investment Tax Credit, including domestic content, energy communities, and low-income communities provisions
7. DOE Transmission Siting and Economic Development (IRFA)
8. DOE Transmission Facility Financing Program
9. DOE Energy Infrastructure Reinvestment Financing Program
10. DOE Commercial Distributed Energy Resources
11. GRIP Round Two

I am also aware that our Staff is directly involved in interagency working groups that are assessing federal funding opportunities and their applicability in Louisiana. Given the potential beneficial impacts these grants/funding could have on the ratepayers of our utilities, it is incumbent that utilities maximize potential funding opportunities and that we are updated on the utilities' efforts to apply for and possibly secure this funding. Accordingly, I direct the electric utilities to provide an update at our November B&E as to the status of grant and/or funding opportunities for which they have applied or will apply. While best efforts should be made to give a comprehensive public overview of current activities, additionally utilities may elect to convey the nature of ongoing conversations with relevant federal offices and/or the details of their applications or negotiations in confidential reports.

At the request of Commissioner Lewis.

There was no opposition to the directive.

Ex. 12	<p>FERC Docket No. EL21-56 - Louisiana Public Service Commission, et al v. System Energy Resources, Inc.</p> <p>In re: Possible executive session to discuss litigation strategy, pursuant to La. R.S. 42:16, et seq.</p> <p>At the request of Commissioner Skrmetta.</p> <p>On motion of Vice Chairman Francis, seconded by Commissioner Lewis, with Chairman Campbell and Commissioner Skrmetta concurring, and Commissioner Greene absent, the Commission voted to enter into Executive Session.</p> <p>On motion of Commissioner Skrmetta, seconded by Vice Chairman Francis, with Chairman Campbell and Commissioner Lewis concurring, and Commissioner Greene absent, the Commission voted to exit Executive Session.</p>
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On motion of Vice Chairman Francis, seconded by Commissioner Skrmetta, with Chairman Campbell and Commissioner Lewis concurring, and Commissioner Greene absent, the Commission voted to adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held on Monday, November 20, 2023 at 9:00 a.m. in Baton Rouge, Louisiana.